IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 2393 OF 2006

Principal Poona College of Arts, Science & Commerce....
Petitioners

V/s

State of Maharashtra & Ors.. ....
Respondents.

Mr.A.M.Joshi, Adv. for the petitioners.

Mr.R.D.Rane, Govt.Pleader, for R. No.1.

CORAM: V.G.

PALSHIKAR

AND

V.M. KANADE, JJ.

15.06.2006.

PC:

By this petition the petitioner claiming to be minority institution entitled to protection of Article 30 of the Constitution of India complains of constitutional validity of section 57 of the Maharashtra Universities Act, 1994. Section 57 reads thus:

"57. **Grievances Committee:**

(1) There shall be a grievances committee in each university to deal with the grievances of teachers and other employees of the university, colleges, institutions and recognised institutions and to hear and settle grievances as far as may be practicable within six months, and the committee shall make a report to the Management Council.

(2) It shall be lawful for the grievances committee to entertain and consider grievances or complaints which are not within the jurisdiction of the Tribunal and report to the Management Council to take such action as it deems fit and the decisions of the Management Council on such reports shall be final.

(3) The Grievances Committee shall consist of the following members viz.,

(a) The Pro-Vice-Chancellor, where the4re is no Pro-Vice-Chancellor; a Member of the Management Council nominated by the Management Council-Chairman;

(b) (Two) members of the Management Council nominated by the Management Council from amongswt themselves (one of them belonging to the Scheduled Caste or Scheduled Tribes or De-notified Tribes (Vimukta Jatis)/Nomadic Tribes or Other Backward Classes, by rotation).

(ba) two members of the Senate, nominated by the Members of the Senate from amongst themselves, one of them being the woman representative of the Management and one shall be a teacher;)

(bb) (two members nominated by the members of the Academic Council from amongst themselves one of them being the Principal, and one shall be a teacher."

It will thus be seen that the Grievance Committee is constituted to entertain the grievances not covered or not within the jurisdiction of the Tribunal constituted under section 58 of the act. It is therefore the Committee to look into the grievances not covered by the University Tribunal. The contention that interference in the management or administration of minority institution should be minimal and therefore requiring the institution to go to Grievance Committee for every plausible grievance under sub-section 2 of section 57 is not minimal. We are unable to accept this contention for the simple reason that the Grievance Committee has only to report to the Management Council and the decision is to be taken by the Management Council. Apart from the fact that such order of the Management Council may or may not accept the report of the Grievance Committee remedy against the order of the Management Council is also available. In such circumstances it cannot be said that the Grievance Committee established under section 57 is

unconstitutional. Hence petition rejected.

15.6.06